REMARKS

Claims 1-20 are pending in the present application.

Claims 1-20 have been rejected.

Claims 1-20 remain in the application. Reconsideration of the claims in view of the Applicants' following arguments is respectfully requested. All claims are shown in their current form in Appendix A for the Examiner's easy reference.

In Section 1 of the August 1, 2002 Office Action, the Examiner objected to the drawings because the margins are not acceptable in FIGURE 2. The Applicants are submitting herewith a proposed drawing correction for FIGURE 2 in which the margins are corrected.

In Sections 2 and 3 of the August 1, 2002 Office Action, the Examiner rejected Claims 1, 2, 5-7, 11 and 12 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,223,028 to *Chang et al.* (hereafter, simply "*Chang*"). The Examiner asserted that column 4, lines 34-39 and Table I of the *Chang* reference discloses the limitation in Claim 1 regarding "a database capable of storing a service provisioning file comprising a mobile station service provisioning program in interpreted byte-code format." The Examiner also asserted that column 2, lines 61- 64, column 7, lines 65-67, and column 8, lines 1-9 of the *Chang* reference also disclose the Claim 1 limitation regarding "a provisioning controller 16 (see Fig. 1) coupled to said database capable of receiving a notification indicating that first mobile station is unprovisioned and further capable, in response to receipt of said notification, of retrieving said service provisioning file from said database and

transmitting said service provisioning file to said first mobile station, wherein receipt of said service provisioning file is capable of causing said mobile station to execute said mobile station service provisioning program in said service provisioning file. The Examiner then compared the limitations in Claims 2, 5-7, 11 and 12 to other portions of the *Chang* reference that purportedly disclose similar limitations.

In Sections 4 and 5 of the August 1, 2002 Office Action, the Examiner rejected Claims 10, 16, 17, and 20 under 35 U.S.C. §103(a) as being obvious over the *Chang* reference in view of United States Patent No. 5,819,177 to *Vucetic et al.* (hereafter, simply "*Vucetic*"). In Section 6 of the August 1, 2002 Office Action, the Examiner rejected Claims 3, 4, 8, 9, 13-15, 18 and 19 under 35 U.S.C. §103(a) as being obvious over the *Chang* and *Vucetic* references in view of United States Patent No. 6,314,282 to *Weber et al.* (hereafter, simply "*Weber*"). The Examiner asserted, in essence, that limitations in Claims 3, 4, 8-10, and 13-20 that are not contained in the *Chang* reference are instead found in the *Vucetic* reference or the *Weber* reference, or both.

The Applicants respectfully disagree with the Examiner's assertions regarding the subject matter disclosed in the *Chang* reference and direct the Examiner's attention to Claim 1, which contains unique and novel limitations:

> 1. For use in a wireless network comprising a plurality of base stations, each of said base stations capable of communicating with a plurality of mobile stations, a service provisioning system capable of provisioning a first one of said plurality of mobile stations comprising:
>
> a database capable of storing a service provisioning file comprising a mobile station service provisioning program in interpreted byte-code format; and

> a provisioning controller coupled to said database capable of receiving a notification indicating that said first mobile station is unprovisioned and further capable, in response to receipt of said notification, of retrieving said service provisioning file from said database and transmitting said service provisioning file to said first mobile station, wherein receipt of said service provisioning file is capable of causing said mobile station to execute said mobile station service provisioning program in said service provisioning file (emphasis added).

The Applicants respectfully assert that the above-emphasized limitations are not disclosed, suggested or even hinted at in the *Chang* reference, the *Vucetic* reference or the *Weber* reference, either individually or in any combination of two or more of the *Chang*, *Vucetic*, and *Weber* references.

The Applicants respectfully disagree with the Examiner's assertion that the *Chang* reference discloses the Claim 1 limitation regarding "a provisioning controller . . . [that retrieves the] service provisioning file from said database and transmit[s] said service provisioning file to said first mobile station, wherein receipt of said service provisioning file is capable of causing said mobile station to execute said mobile station service provisioning program in said service provisioning file." The claimed invention uses a novel mobile station service provisioning program that is transmitted from a provisioning server to the mobile station. Once the mobile station service provisioning program is downloaded, the mobile station executes the mobile station service provisioning program in order to complete the provisioning process without further human interaction. In other words, the mobile station service provisioning program automates the process and replaces the prior art human-intervention steps that normally select and modify the necessary configuration parameters.

The Examiner asserted that the Claim 1 limitations emphasized above are disclosed at column 2, lines 61-64, column 4, lines 34-39 and Table I, column 7, lines 65-67, and column 8, lines 1-9, of the *Chang* reference. The Applicants have reviewed all of the *Chang* reference, including the cited passages, and have found nothing that relates to the novel limitations recited in Claim 1.

The text of the *Chang* reference at column 2, lines 61-64, states: "...In response to the request, the mobile telephone sends a protocol capability response message over the air back to the over-the-air function. The text of the *Chang* reference at column 7, lines 65-67, is a portion of Claim 1 of the *Chang* reference that states: "the over-the air function communicating the operational parameters to said mobile telephone via the communication path."

The text of the *Chang* reference at column 4, lines 34-39 and Table I, states:

> ...With reference now to Table I, there is depicted a list of parameters in a protocol capability response message from a mobile to a base transceiver station over the air within mobile telephone communication network 10, in accordance with a preferred embodiment of the present invention.

TABLE I

Field	Length (bits)
OTASP_MSG_TYPE	8
MOB_FIRM_REV	16
MOB_MODEL	8
NUM_FEATURES	8
FEATURE_ID	8
FEATURE_P_RFV	8
BAND_MODE_CAP	8
NUM_SO	8
SERVICE_OPTION	16

Finally, the text of the *Chang* reference at column 8, lines 1-9, is a portion of Claim 2 of the *Chang* reference that states:

> 2. The method according to claim 1, wherein the protocol capability response message includes a BAND_MODE_CAP field that includes an analog cellular band subfield describing analog cellular band operations supported by said mobile telephone, a digital cellular band subfield describing cellular band operations supported by said mobile telephone, and a digital personal communication service band subfield describing personal communicating service band operations supported by said mobile telephone.

The Applicants respectfully assert the portions of the *Chang* reference relied on by the Examiner and set forth above clearly do not disclose the Claim 1 limitations regarding a mobile station service provisioning program that is transmitted from the server and executed by the mobile station in order to perform the service provisioning function. The protocol capability request messages and the protocol capability response messages described in the *Chang* reference are formatted messages and parameter lists comprising 8-bit and 16-bit data fields. These data fields contain configuration parameters that are used in provisioning the mobile station. However, the protocol capability request messages and the protocol capability response messages do not comprise executable programs that automate the provisioning process. Additionally, the *Vucetic* reference and the *Weber* reference, which were introduced to cover limitations in the dependent claims related to stale codes, do nothing to overcome the shortcomings of the *Chang* reference with respect to the unique and novel Claim 1 limitations discussed above.

In sum, none of the *Chang* reference, the *Vucetic* reference, and the *Weber* reference, either

individually or in any combination, discloses the unique and novel limitations recited in Claim 1. This being the case, Claim 1 presents patentable subject matter over the *Chang*, *Vucetic*, and *Weber* references. Also, Claims 2-5 depend from Claim 1 and contain all of the unique and novel limitations recited in Claim 1. Thus, Claims 2-5 are patentable over the *Chang*, *Vucetic*, and *Weber* references.

Furthermore, independent Claims 6, 11 and 16 contain limitations that are analogous to the unique and novel limitations recited in Claim 2. Claims 6, 11 and 16 are therefore patentable over the *Chang*, *Vucetic*, and *Weber* references. Finally, dependent Claims 7-10, dependent Claims 12-15, and dependent Claims 17-20 depend from Claims 6, 11 and 16, respectively, and contain all of the unique and novel limitations recited in Claims 6, 11 and 16. This being the case, Claims 7-10, dependent Claims 12-15, and dependent Claims 17-20 are patentable over the *Chang*, *Vucetic*, and *Weber* references.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at **jmockler@davismunck.com**.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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